

**LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE**  
**Professional Development Center**  
**West Virginia State Police Academy**  
**Dunbar, West Virginia**

**May 26, 2016**

**MEMBERS PRESENT:**

Colonel Jerry Jenkins  
Sheriff Tom McComas  
Mayor John Manchester  
Retired Chief Steve Stephens  
Chief Steve Walker

**MEMBERS REPRESENTED:**

Colonel Jay Smithers by  
First Sergeant Harold R. Perry  
First Lieutenant James Lee by  
First Sergeant Aaron D. Nichols  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry  
Ms. MaryKaye Jacquet by  
Sergeant J. L. Johnson

**ABSENT:**

Chief Brad Rinehart representing  
Chief Ray Fridley  
Ms. Patti Hamilton

**STAFF:**

Ms. Kimberly Mason  
Ms. Judy Strickland

**GUESTS:**

Mr. Stephen R. Connolly  
Ms. Jessica Smith (law student WVU)

The May 26, 2016 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:00 a.m. by the Chair, Retired Chief Stephens. There were nine (9) members either present or represented which represents a quorum of the Subcommittee membership, at the start of, and during, the meeting. Deputy Attorney General Stephen R. Connolly was in attendance at this meeting along with his guest, Ms. Smith, a law student at WVU. Mr. Connolly will be substituting for Celeste Webb-Barber while she is on maternity leave.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Ms. Mason informed the Subcommittee that the minutes from the April 28, 2016 meeting, along with the April 26-27, 2016 Rules Review, will be submitted for approval during the June 30, 2016 meeting.
2. Agenda Item 2 – Ms. Mason provided the LEPS Fund Account financial update. She noted that there was a balance of \$95,748.81 not obligated in the fund. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Financial Report be accepted as given. The motion was approved unanimously without any discussion and no negative votes cast.
3. Agenda Item 3 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously without any discussion and no negative votes cast.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. The motion was approved unanimously without any discussion and no negative votes cast.
5. Agenda Item 5A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit for the 2016 Training Year period that ends June 30, 2016. The motion was approved unanimously without any discussion and no negative votes cast.
6. Agenda Item 5B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for supervisory in-service credit for the 2016 Training Year period that ends June 30, 2016. The motion was approved unanimously without any discussion and no negative votes cast.

7. Agenda Item 5C – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit for the 2017 Training Year which runs July 1, 2016 – June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
8. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 6 through 10B there was a motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:03 a.m. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to come out of executive session at 9:51, no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.
9. Agenda Item 6 – Order to Stop Working. This will be addressed under Reactivation Review, item 10B during today's meeting. Presented for informational purposes only, no action required.
10. Agenda Item 7 – Officer appeared before the Subcommittee to discuss his prior conviction and request that he be approved for admission to the basic entry level training program. Motion made, Retired Corporal Gentry, seconded, Mayor Manchester that this officer be allowed to proceed in the process of attending the Academy to obtain his law enforcement certification. There was discussion concerning the motion made that in the mind of some present that the conviction was recent in nature and questioned what the individual had learned from that arrest and conviction. It was noted that should he appear before the Subcommittee again that this matter should be considered as part of matter being addressed. The Chair called for a vote on the motion as made. The motion was approved, seven (7) members present or represented voting for the motion and two (2), Chief Walker and Sheriff McComas voting against the motion.
11. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen or be approved to be employed once again as a sworn officer following a department from the entry level training program. None presented. No action required.
12. Agenda Item 9A – Officer #1 – Appeal of decision by Mr. Staton, Executive Director of the Governor's Committee on Crime, Delinquency and Correction (GCCDC), to uphold the revocation of his certification. All paperwork has been filed and is awaiting decision from Raleigh County Circuit Court. Presented for informational purposes only. No action required.

13. Agenda Item 9B – Officer #2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve Draft Position Statement from the Subcommittee members April 28, 2016 LEPS meeting decision to revoke the certification of this officer. The motion was approved unanimously without any discussion and no negative votes cast.
14. Agenda Item 9C – Officer #3 – During the meeting on April 28, 2016 the members unanimously approved a motion made and seconded that the last sentence of the main paragraph in the letter submitted by this officer needed to be changed before the surrender of his certification would be accepted in lieu of the revocation action taken during the January 28, 2016 meeting. The officer's attorney has stated that he is having problems communicating with this individual and that he will respond as soon as he hears from him. Consensus agreement that the members will make a decision this Agenda Item during the June 30, 2016. Revocation remains in effect.
15. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Chief Walker, to approve the full reactivation of the law enforcement certification of the five (5) law enforcement officers listed in the agenda packet. The motion was approved unanimously with no discussion and no negative votes cast.
16. Agenda Item 10B – Motion made, Sheriff McComas, seconded, Chief Walker to approve this officer for full activation with the requirement that he submit an application/medical packet to the Academy and successfully complete the three-week re-certification class in September 2016. The motion was approved unanimously with no discussion and no negative votes cast.
17. Agenda Item 11 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. There were none, no action required.
18. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
19. Agenda Item 13 – Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
20. Agenda Item 14 – Request by an officer for accommodations relating to attendance in the entry level training program. There were none, no action required.
21. Agenda Item 15 – FOIA requests and responses. Addressed as follows in numbers 22 to 24. .
22. Agenda Item 15A – FOIA requests #1 – Attorney seeking all and any information and correspondence on this officer. Retired Captain Sadler

provided information listed in the Agenda packet. Provided for informational purposes only. No action required.

23. Agenda Item 15B – FOIA requests #2 – Attorney for a law office in Huntington seeking information on documents that LEPS does not maintain. Retired Captain Sadler responded to request with explanation that LEPS does not set standards on the information they wanted. Provided for informational purposes only. No action required.
24. Agenda Item 15C – FOIA requests #3 – An individual is seeking records related to disciplinary matters involving the West Virginia State Police (WVSP). Director Staton and Retired Captain responded to this person via email explaining that the Law Enforcement Professional Standards (LEPS) Program, operating under the Division of Justice and Community Services (DJCS) does not maintain the type of disciplinary records being sought. The individual was advised that he would need to direct his inquiry to the WVSP. Provided for informational purposes only. No action required.
25. Agenda Item 16 – Motion made, Sergeant Perry, seconded, F/Lieutenant Lee to approve the officers who graduated with the 16<sup>5th</sup> Basic Class as West Virginia certified law enforcement officers. The motion was approved unanimously with no discussion.
26. Agenda Item 17 – Provision of correspondence by Captain Lee, Director of Training, WVSP Academy, as to his review of a resignation submitted by an officer in the 160<sup>th</sup> Basic Class as to his decision to change the type of resignation from a personal to a hardship withdrawal because of the circumstances involved. As such this individual will be able to make application to a future entry level training course at the Academy without a waiting period. Provided for informational purposes. No action required.
27. Agenda Item 18 – The next LEPS Subcommittee meeting is scheduled for Thursday, June 30, 2016, at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Mayor Manchester, seconded, Retired Sergeant Johnson, to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 10:01 a.m.